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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/571,796	02/22/2007	Michael Waters	7122/87594	1287
22242 7590 08/12/2008 FITCH EVEN TABIN AND FLANNERY 120 SOUTH LA SALLE STREET SUITE 1600 CHICAGO, IL 60603-3406				
EXAMINER				
MAL HUY KIM				
ART UNIT		PAPER NUMBER		
2873				
MAIL DATE		DELIVERY MODE		
08/12/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/571,796

Applicant(s)

WATERS, MICHAEL

Examiner

Huy K. Mai

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2007.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 47-54 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 47-54 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 01 August 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date 3/15/06
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Inventor's Patent Application
6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) filed March 15, 2006 is acknowledged.

Specification

2. The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

Claim Objections

3. Claim 54 is objected to because of the following informalities: It appears that the dependency should be 53; otherwise, the feature "the headgear" is undefined and/or the limitations in claim 54 do not further limit the subject matter of the previous claim. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 47-51 and 53 rejected under 35 U.S.C. 103(a) as being unpatentable over Soll (US 5,722,762) in view of Lawrence (US 3,350,552).

With respect to claims 47-49 and 51, Soll teaches a light apparatus comprising: an elongate frame (12); opposite ends of the frame (proximal 22A and 22B); at least one light (18A) mounted at one end of the frame; and at least one other light (18B) mounted at the other end of

the frame and the lights comprise LED's (column 4, lines 1-3), and a compact housing (24 and 32) for each of the LED's with the housing mounted to the end of the frame (Fig. 1). Soll does not teach a clip-on frame including a clipping mechanism intermediate the frame ends for releasably securing the frame to an item and an actuator carried thereon that is operable to remove the frame from an item to which the frame is secured. Lawrence, drawn to illuminated eyewear, shows a clip-on frame (24) including a clipping mechanism (32) intermediate the frame ends (Fig. 6) for releasably securing the frame (column 1, lines 30-32) to an item (16) and shows the clip is an actuator that is operable to remove the frame from the item to which the frame is secured (Fig. 6). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to use the clip-on frame of Lawrence in the light apparatus of Soll, in order to provide a light unit that is adjustable and may be detachably secured to all eyeglass frames (column 1, lines 30-32).

As for claim 50, Soll teaches further, the LED's generate a cone of light (Fig. 5) about a central axis (axis running through item 20) thereof, the housings each include a longitudinal axis and at least one support surface (14) of each of the housings for positioning the LED's to project the light cones with the central axes being angled relative to the associated housing axes (column 7, lines 1-23).

As for claim 53, Soll teaches all of the claimed elements as disclosed above as well as lights mounted adjacent the outer side of the lenses of eyeglasses, except Soll does not teach the clip-on frame is removably securable to headgear. Lawrence shows the clip-on frame (24) is removably securable (column 1, lines 30-32) to headgear. It would have been obvious to one of ordinary skill in the art, at the time of the invention, to use the clip-on frame of Lawrence in the

lighting apparatus of Soll, in order to provide a light unit that is adjustable and may be detachably secured to all eyeglass frames (column 1, lines 30- 32).

6. Claims 52 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soll in view of Lawrence as applied to claims 47-50 above, and further in view of Valentine et al (US 6,749,166).

Soll and Lawrence discloses the claimed invention wherein the clip-on frame (24) is removably securable (column 1, lines 30-32) to headgear which comprises eyeglasses (16) including lenses having inner and outer sides (Fig. 2) and a pair of temple arms (20, 22) that extend rearwardly from adjacent the outer side of the lenses with the clip-on frame removably securable to the eyeglasses adjacent to the inner side of the lenses to generally position the frame ends (Fig. 2), except for the actuator comprises a pivot lever; and a pair of clamp arms biased to a clamping position for securing the frame to an item with a pivot lever operable to shift at least one of the pair of lamp arms to a release position for removing the frame from the item. Valentine, drawn to attachable lighting, teaches an actuator (1) comprises a pivot lever; and a pair of clamp arms (Fig. 1) biased to a clamping position for securing the frame (2, 3, 4, and 7) to an item (dashed object in Fig. 1) with a pivot lever operable to shift at least one of the pair of lamp arms to a release position for removing the frame from the item (Figs. 1 and 2). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to use the actuator of Valentine in the lighting apparatus of Soll and Lawrence, in order to be able to attach the lighting apparatus to an object near a working area (column 2, lines 50-52).

Art Unit: 2873

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Mai whose telephone number is (571) 272-2334. The examiner can normally be reached on M-F (8:00 a.m.-4:30 p.m.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky L. Mack can be reached on (571) 272-2333. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1562.

/Huy Mai/
Huy Mai
Primary Examiner, Art Unit 2873

HM
August 13, 2008